

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

SECURITIES AND EXCHANGE COMMISSION, )  
)  
Plaintiff, )  
)  
vs. ) Case No. 15-CV-00191-S-LDA  
)  
PATRICK CHURCHVILLE, )  
CLEARPATH WEALTH MANAGEMENT, LLC, )  
)  
Defendants, )  
)  
and )  
)  
CLEARPATH MULTI-STRATEGY FUND I, L.P., )  
CLEARPATH MULTI-STRATEGY FUND II, L.P., )  
CLEARPATH MULTI-STRATEGY FUND III, L.P., )  
HCR VALUE FUND, L.P., )  
)  
Relief Defendants. )  
)

**RECEIVER’S RESPONSE IN OPPOSITION TO DEFENDANT PATRICK  
CHURCHVILLE’S MOTION TO COMPEL  
THE RECEIVER AND SEC TO ANSWER QUESTIONS**

Now comes Stephen F. Del Sesto, Esq. solely in his capacity as the Court-appointed Receiver for Defendants Patrick Churchville (“Churchville”) and ClearPath Wealth Management, LLC and Relief Defendants ClearPath Multi-Strategy Fund I, L.P., ClearPath Multi-Strategy Fund II, L.P., and ClearPath Multi-Strategy Fund III, L.P. (collectively “Receivership Entities”), (the “Receiver”) and respectfully submits this Response in opposition (the “Response”) to Churchville’s Motion to Compel the Receiver and SEC to Answer Questions (the “Motion”). With regard to the Receiver’s Response, on December 12, 2018, Plaintiff, Securities and Exchange

Commission (the “Commission”), filed an Opposition to the Motion (Document No. 141) (the “SEC Opposition”). In addition to the within Response, the Receiver hereby adopts and incorporates herein the arguments in the SEC Opposition in its entirety.

Beyond the well stated arguments of the Commission set forth in the SEC Opposition, the Receiver adds that the Estate and the victims of Churchville’s fraud who hope for maximum recovery from that Estate should not bear the significant expense to the Estate that would result if the Motion were granted. Through the Motion, Churchville seeks to occupy the Receiver’s time and attention and to advance his own agenda for his own benefit – to reduce his own restitution. Churchville should not be permitted to use this proceeding, the Estate and its limited resources to further his personal agenda. The result of which would be further harm to the victims as it would likely only reduce recovery to them from the Estate.

The Receiver has been made aware on several occasions of all the issues and claims raised by Churchville and the Receiver has and continues to investigate potential sources of additional funds for the Estate. However, the Receiver is also very mindful that any pursuit must only be exercised if it is more than likely to result in a real and positive recovery and benefit for the Estate and the victims. The Receiver does not work for Churchville and the Estate does not exist for his benefit. As the Commission plainly and accurately stated in the SEC Opposition, “[i]f Churchville wants to second guess the Receiver and aver that other sources of money are available to repay victims...he can pursue that money himself.” Document No. 141 at page 2.

For the reasons discussed herein and asserted in the SEC Opposition, the Receiver respectfully requests that this Honorable Court deny the Motion, with prejudice.

Respectfully submitted,

*Receiver for Patrick Churchville, ClearPath  
Wealth Management, LLC, ClearPath  
Multi-Strategy Fund I, L.P., ClearPath  
Multi-Strategy Fund II, L.P., and ClearPath Multi-  
Strategy Fund III, L.P. and not individually,*

*/s/ Stephen F. Del Sesto*

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December 13, 2018

**CERTIFICATE OF SERVICE**

I, Stephen F. Del Sesto, hereby certify that I filed the within document on December 13, 2018, and that notice will be sent electronically to all counsel who are registered participants identified on the Mailing Information for Case No. 15-cv-00191-S-LDA. In addition the within document was sent, via first class mail, postage prepaid, on the 11<sup>th</sup> day of December, 2018, to Mr. Patrick Churchville, Registration Number: 11354-070, FCI Berlin, Federal Corr. Institution, PO Box 9000, Berlin, NH 03570.

*/s/ Stephen F. Del Sesto*